

Planning & Zoning Code

Chapter 1101 Preliminary Plans; Improvement Plans and Specifications

1101.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). Each succeeding day of continued violation, after notice thereof, shall constitute a separate offense.

(Ord. 46-56. Passed 3-5-56.)

Proposed Amendment:

1101.99 PENALTY.

Whoever violates any of the provisions of this chapter is subject to the penalty provision of the Planning and Zoning Code found in 1123.99 unless otherwise specified in this chapter.

Chapter 1103 Final Plans; Allocating Lands for Public Use

1103.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter, for which no penalty is otherwise provided, shall be fined not more than five hundred dollars (\$500.00). Each succeeding day of continued violation, after notice thereof, shall constitute a separate offense.

(Adopting Ordinance)

(b) Whoever violates any of the provisions of Section 1103.17 is guilty of unlawful transfer, contract to sell or sale of a subplot, a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, if an individual, or fined not more than five thousand dollars (\$5,000) if an organization.

(Ord. 154-86. Passed 9-15-86.)

Proposed Amendment:

1103.99 PENALTY.

Whoever violates any of the provisions of this chapter is subject to the penalty provision of the Planning and Zoning Code found in 1123.99 unless otherwise specified in this chapter.

Chapter 1104 Historic Preservation Districts and Listed Properties

1104.99 PENALTY.

Whoever violates any of the provisions of this chapter by failing to perform any act required by this chapter, or by performing any act which is prohibited by this chapter, shall be fined not more than five hundred dollars (\$500.00). Each succeeding day of continued violation, after notice thereof, shall constitute a separate offense.

Proposed Amendment:

1104.99 PENALTY.

Whoever violates any of the provisions of this chapter is subject to the penalty provision of the Planning and Zoning Code found in 1123.99 unless otherwise specified in this chapter.

Chapter 1119 Title, Purpose, and Interpretation

1119.02 PURPOSE AND INTENT.

The purpose of this Zoning Code and the intent of Council in its adoption are to promote and protect the public health, safety, convenience, comfort and prosperity and the general welfare of the City by regulating the use of buildings, other structures and land for residences, public facilities, institutions, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, percent of lot occupancy and location of buildings; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the City into districts of such number and dimensions in accordance with the objectives of a Comprehensive Plan; and to provide procedures for the administration, interpretation, amendment and enforcement of this Zoning Code.

This Zoning Code is intended to achieve, among others, the following objectives:

(a) To protect the character and values of residential, business, service, industrial, institutional and public uses and to assure their orderly and beneficial development;

(b) To provide adequate open spaces for light and air, to prevent overcrowding of the land, to prevent excessive concentration of population and, conversely, to prevent sparse and uncoordinated development;

(c) To improve the public safety and to lessen congestion by locating buildings and uses in relation to streets so as to cause the least interference with and damage by traffic movements;

(d) To provide for public facilities and utilities such as a water supply, a sewer system and transportation systems, as well as developments for recreation, schools and other public facilities;

(e) To encourage the most appropriate uses of the land and guide the future development of the City in accordance with a Comprehensive Plan; and

(f) To accomplish the specific intents and goals set forth in the introduction to the respective chapters.

(Ord. 199-92. Passed 7-19-93.)

Proposed Amendment:

1119.02 PURPOSE AND INTENT.

The purpose of this **Planning and Zoning Code** and the intent of Council in its adoption are to promote and protect the public health, safety, convenience, comfort and prosperity and the general welfare of the City by regulating the use of buildings, other structures and land for residences, public facilities, institutions, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, percent of lot occupancy and location of buildings; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the City into districts of such number and dimensions in accordance with the objectives of a Comprehensive Plan; and to provide procedures for the administration, interpretation, amendment and enforcement of this **Planning and Zoning Code**.

This **Planning and Zoning Code** is intended to achieve, among others, the following objectives:

(a) To protect the character and values of residential, business, service, industrial, institutional and public uses and to assure their orderly and beneficial development;

(b) To provide adequate open spaces for light and air, to prevent overcrowding of the land, to prevent excessive concentration of population and, conversely, to prevent sparse and uncoordinated development;

(c) To improve the public safety and to lessen congestion by locating buildings and uses in relation to streets so as to cause the least interference with and damage by traffic movements;

(d) To provide for public facilities and utilities such as a water supply, a sewer system and transportation systems, as well as developments for recreation, schools and other public facilities;

(e) To encourage the most appropriate uses of the land and guide the future development of the City in accordance with a Comprehensive Plan; and

(f) To accomplish the specific intents and goals set forth in the introduction to the respective chapters.

(Ord. 199-92. Passed 7-19-93.)

Chapter 1123 Administration, Enforcement, and Penalty

1123.03 ENFORCEMENT GENERALLY.

This Zoning Code shall be enforced by the Building Commissioner. The location of the front and side street yard lines as shown on the situation plan of the application shall be checked and approved by the City Engineer before any permit is issued.

(Ord. 6-93. Passed 7-19-93.)

Proposed Amendment:

1123.03 ENFORCEMENT GENERALLY.

This Planning and Zoning Code shall be enforced by the Building Commissioner, Building Inspector, Housing Commissioner, Housing Inspector, Assistant Building Commissioner, Property Maintenance Coordinator, Property Maintenance Inspector, the Engineering Party Chief, or their designees or agents, who are responsible for enforcement of this Code and other related City Ordinances and for the issuance of any summons and complaints and/or notices necessary to ensure compliance with this Code.

(Ord. 6-93. Passed 7-19-93.)

1123.09 VIOLATIONS AND ENFORCEMENT.

(a) Violations a Nuisance. Buildings, erected, altered, moved, razed or converted, and any use of land or premises carried on, in violation of any provision of this Zoning Code, are hereby declared to be a nuisance per se. Any building or land use activities

considered possible violations of the provisions of this Zoning Code which are observed by any City official shall be reported to the Building Commissioner.

(b) Inspection. The Building Commissioner shall inspect such alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Zoning Code.

(c) Correction Period. All violations shall be corrected within a period of thirty days after the written order is issued or for a longer period of time as indicated by the Building Commissioner's written order. Any violations not corrected within the specific period of time shall be reported to the Law Director who shall initiate prosecution procedures.

(d) Violation May Be Enjoined. In the event of a violation of any provision or requirement of this Zoning Code or in the case of an imminent threat of such a violation, the Building Commissioner, the Law Director or the owner of any neighboring property who would be especially damaged by such violation may, in addition to other remedies provided by law, institute a suit for injunction to prevent, remove, abate, enjoin or terminate such violation.

(Ord. 6-93. Passed 7-19-93.)

Proposed Amendment:

1123.09 VIOLATIONS AND ENFORCEMENT.

(a) **Violations of Nuisance.** Buildings, erected, altered, moved, razed or converted, and any use of land or premises carried on, in violation of any provision of this **Planning and Zoning Code**, are hereby declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this **Planning and Zoning Code** which are observed by any City official shall be reported to the Building Commissioner.

(b) Inspection. **Any City official vested with authority under 1123.03** shall inspect such alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this **Planning and Zoning Code**.

(c) Correction Period. All violations shall be corrected within a period of thirty days after the written order is issued or for a longer period of time as indicated by the Building Commissioner's written order **unless otherwise specified in this Planning and Zoning Code**. Any violations not corrected within the specific period of time shall be reported to the Law Director who shall initiate prosecution procedures.

(d) Violation May Be Enjoined. In the event of a violation of any provision or requirement of this **Planning and Zoning Code** or in the case of an imminent threat of such a violation, the Building Commissioner, **the City Engineer**, the Law Director or the

owner of any neighboring property who would be especially damaged by such violation may, in addition to other remedies provided by law, institute a suit for injunction to prevent, remove, abate, enjoin or terminate such violation.

(e) No person shall interfere, obstruct, or hinder any person authorized to inspect by virtue of Section 1123.03 of this Planning and Zoning Code where such person is lawfully making an inspection.

(f) No person shall violate any provision of any chapter of this Planning and Zoning Code. Any violator will be subject to the penalty section of this Planning and Zoning Code found in 1123.99.

(Ord. 6-93. Passed 7-19-93.)

1123.99 PENALTY.

(a) Whoever violates any of the provisions of this Zoning Code, or any rule or regulation promulgated hereunder, or fails to comply herewith or with any written notice or written order issued hereunder, or interferes with, obstructs or hinders any person authorized to inspect by virtue of Section 1501.07, of the Building Code, while such person is lawfully making an inspection, is guilty of a misdemeanor of the fourth degree for the first offense and shall receive a mandatory fine of two hundred fifty dollars (\$250.00) and may be imprisoned not more than thirty days, or both. For each subsequent offense within six months after the date of the citation for the first offense, such person is guilty of a misdemeanor of the third degree and shall receive a mandatory fine of five hundred dollars (\$500.00) and may be imprisoned not more than sixty days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) In addition to the penalties found in subsection (a) hereof, any person, firm or corporation found guilty of violating or failing to comply with any of the provisions of this Zoning Code shall pay all costs and expenses involved in the case.

(Ord. 282-94. Passed 11-21-94.)

Proposed Amendment:

1123.99 PENALTY.

(a) Whoever violates any of the provisions of this Planning and Zoning Code, or any rule or regulation promulgated hereunder, or fails to comply herewith or with any written notice or written order issued hereunder, or interferes with, obstructs or hinders any person authorized to inspect by virtue of Section 1501.07, of the Building Code, while such person is lawfully making an inspection, is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) In addition to the penalties found in subsection (a) hereof, any person, firm or corporation found guilty of violating or failing to comply with any of the provisions of this **Planning and Zoning Code** shall pay all costs and expenses involved in the case.

(Ord. 282-94. Passed 11-21-94.)

Chapter 1198 Wireless Telecommunications Facilities

1198.99 PENALTY.

Any person violating any provision of this chapter shall be deemed, upon conviction of the first offense, guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. Any person convicted of a subsequent violation of this chapter shall, upon conviction, be deemed guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, permitted or continued.

(Ord. 399-96. Passed 4-14-97.)

Proposed Amendment:

1198.99 PENALTY.

Whoever violates any of the provisions of this chapter is subject to the penalty provision of the Planning and Zoning Code found in 1123.99 unless otherwise specified in this chapter.